



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JSR
Docket No: NR10595-14
4 December 2014

[REDACTED]

Dear Captain [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

You requested modifying the fitness report for 16 July 2012 to 31 May 2013 by making section K (reviewing officer's marks and comments) "not observed." You further requested removing your failure of selection by the Fiscal Year 2015 Major Selection Board.

It is noted that the Commandant of the Marine Corps (CMC) has directed the requested modification of the fitness report in question.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 4 December 2014. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 20 August 2014, and the advisory opinion from HQMC dated 11 September 2014, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material

error or injustice warranting removal of your failure of selection for promotion. In this connection, the Board substantially concurred with the comments contained in the advisory opinion in concluding that your selection would have been definitely unlikely, even if your record had reflected the requested fitness report correction. In view of the above, your application for relief beyond that effected by CMC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new evidence within one year from the date of the Board's decision. New evidence is evidence not previously considered by the Board prior to making its decision in this case. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. O'Neill", written in a cursive style.

ROBERT J. O'NEILL
Executive Director

Enclosure